

REMARKS

I. Status of the Claims

Claims 1, 3, 5, and 10 are canceled.

Claims 2, 8, 9, and 11 are amended.

Claims 2, 4, 6-9, and 11 are pending.

II. Pending Claims Satisfy 35 U.S.C § 112

Amended Claims 2, 8, 9, and 11 Obviate Examiner's 112 2nd ¶ Rejections

Claims 2, 8, 9, and 11 are amended. Amended claim 2 relates to SEQ ID NO: 12, the FUT1 nucleotide sequence, having an adenine at position 307 of the open reading frame.

Therefore, the 112 rejections of claims 4, 6, and 7 that depend on claim 2 are now moot.

Claims 8 and 9 are amended to clarify that a nucleic acid probe includes a complementary sequence to SEQ ID NO: 12 or a fragment thereof. Support for these amendments can be found at least in the following instances in the specification: page 16, lns. 25-30 and page 17, lns. 4-10.

Claim 11 is amended to clarify that the nucleic acid fragments are restricted due to restriction digestion. The amendments also clarify that the amplification relates to FUT1 and the FUT1 products are restricted. The amplified fragments of FUT1 are subject to restriction digestion by CfoI (A) and AclI (B) and are subsequently restricted or cleaved. A un-modified FUT1 sequence is not cut following a restriction digestion and thus cannot be restricted. Support for the amendments can be found at least on page 11, line 32 through page 12, line 4 and also Example 7 (pages 11-12) of the specification. The examiner's rejections regarding unrestricted fragments and "by amplification" are overcome.

III. Conclusion

Applicants thank the examiner for considering our prior response and for withdrawing several of the rejections. Applicants believe that the pending claims as amended herein are allowable and request that the pending claims be allowed. Prior to issuing any advisory action, the examiner is requested to contact the undersigned representative if there is any unresolved issue. Applicants request an interview if necessary.

No fees are believed due at this time, however, please charge any deficiencies or credit any overpayments to deposit account number 12-0913 with reference to our attorney docket number (21459/91513).

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Alice O. Martin".

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